

**CALENDAR ITEM
C21**

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06/29/15
PRC 7400.1
M. Schroeder

GENERAL LEASE – RECREATIONAL USE

APPLICANT:

Brenda Johnson, Trustee of the Bryte Johnson and Brenda Johnson 1995 Living Trust dated May 19, 1995; Nancy M. Johnson, Trustee of the Jerry Johnson Marital Deduction QTIP Trust, established November 7, 1994; Nancy M. Johnson, and Successors in Trust, as Trustee of the Johnson Qualified Personal Residence Trust Tahoe, dated August 1, 2012; and Gerald Reid Johnson III and Mary Bryte Johnson, Trustees of the Jerry and Nancy Johnson Residual Trust, created November 7, 1994

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Lake Tahoe, adjacent to 3975 Bellevue Avenue, near Homewood, Placer County.

AUTHORIZED USE:

Continued use and maintenance of two existing mooring buoys.

LEASE TERM:

10 years, beginning June 11, 2015.

CONSIDERATION:

\$754 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

Other:

1. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

CALENDAR ITEM NO. **C21** (CONT'D)

2. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On June 20, 2005, the Commission authorized a Recreational Pier Lease to Bryte Johnson and Brenda Johnson, Trustees of the Bryte Johnson and Brenda Johnson 1995 Living Trust dated May 19, 1995; Nancy M. Johnson, Trustee of the Jerry and Nancy Johnson Trust dated September 15, 1993; Gerald Reid Johnson III and Mary Bryte Johnson, Trustees of the Jerry and Nancy Johnson Residual Trust, created November 7, 1994 for two existing mooring buoys. The lease expired on June 10, 2015. In September 2011, Bryte Johnson died, and subsequently, Brenda Johnson became the sole trustee of their trust. In addition, partial interest of the upland was deeded to Nancy M. Johnson, and Successors in Trust, as Trustee of the Johnson Qualified Personal Residence Trust Tahoe, dated August 1, 2012. The Applicant is now applying for a General Lease – Recreational Use.
3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C21** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Brenda Johnson, Trustee of the Bryte Johnson and Brenda Johnson 1995 Living Trust dated May 19, 1995; Nancy M. Johnson, Trustee of the Jerry Johnson Marital Deduction QTIP Trust, established November 7, 1994; Nancy M. Johnson, and Successors in Trust, as Trustee of the Johnson Qualified Personal Residence Trust Tahoe, dated August 1, 2012; and Gerald Reid Johnson III and Mary Bryte Johnson, Trustees of the Jerry and Nancy Johnson Residual Trust, created November 7, 1994, beginning June 11, 2015, for a term of 10 years, for the continued use and maintenance of two existing mooring buoys as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by the reference made a part hereof; annual rent in the amount \$754, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 7400.1

LAND DESCRIPTION

Two (2) parcels of submerged lands situated in the bed of Lake Tahoe, lying adjacent to Lot 2 of fractional Section 36, Township 15 North, Range 16 East, M.D.B.&M., as shown on Official Government Township Plat approved December 20, 1865, County of Placer, State of California, more particularly described as follows:

PARCELS 1 & 2 – BUOYS

Two circular parcels of land, each being 50 feet in diameter, underlying two existing buoys lying adjacent to that parcel described in Grant Deed recorded October 17, 2012 as Document Number 2012-0097350 in Official Records of said County.

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/02/2015 by the California State Lands Commission Boundary Unit.



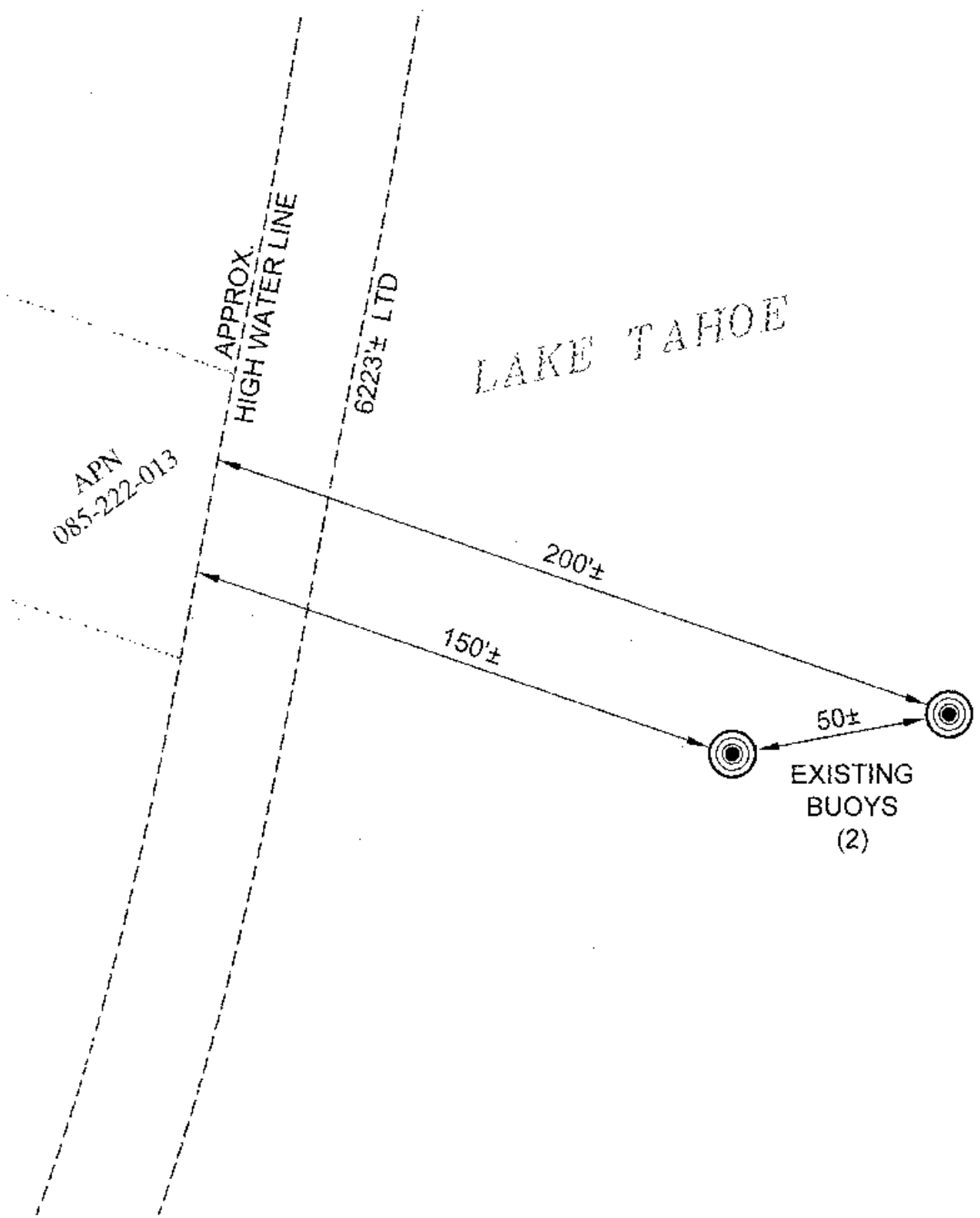


EXHIBIT A

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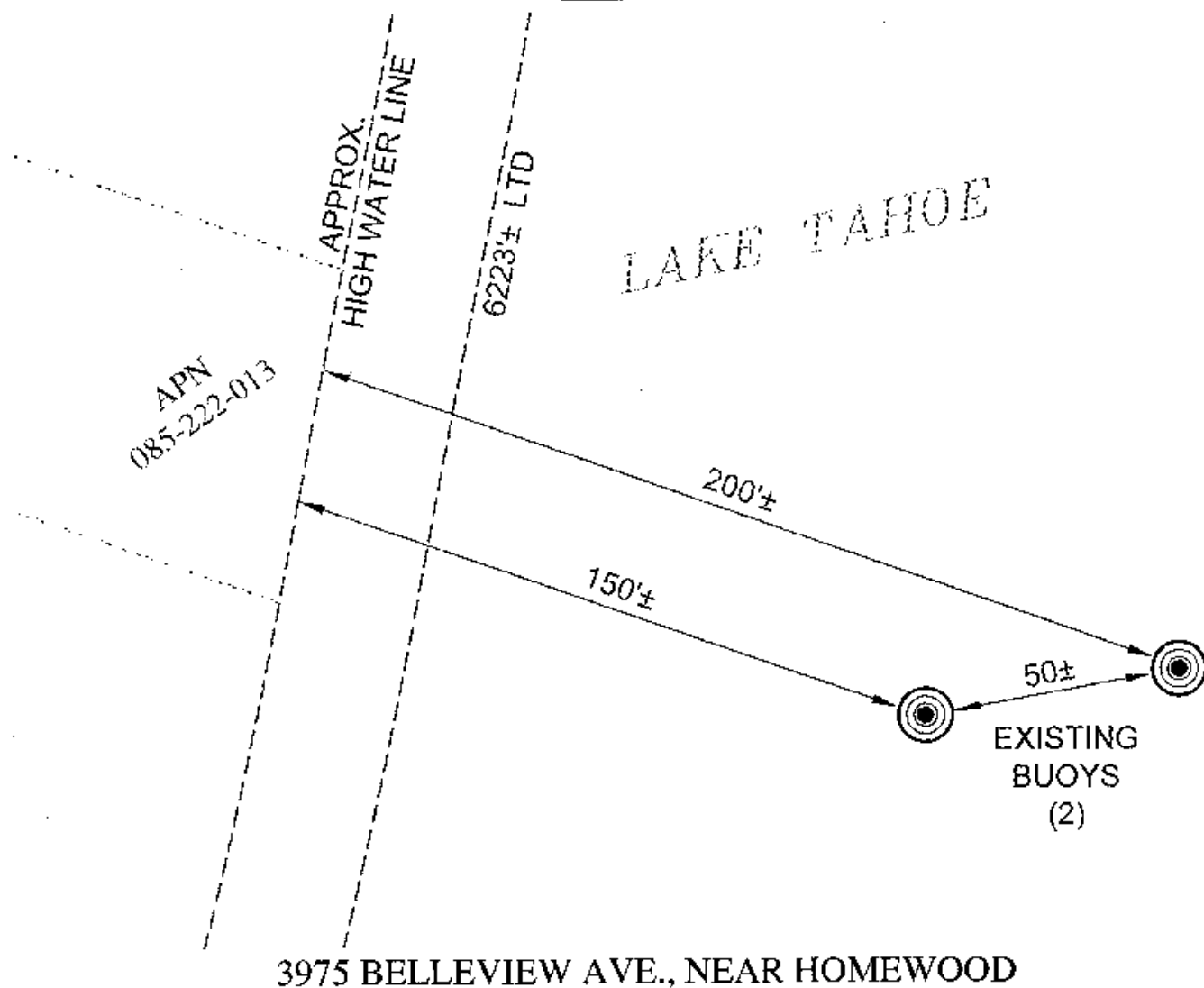
LAND DESCRIPTION PLAT
PRC 7400.1, JOHNSON TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



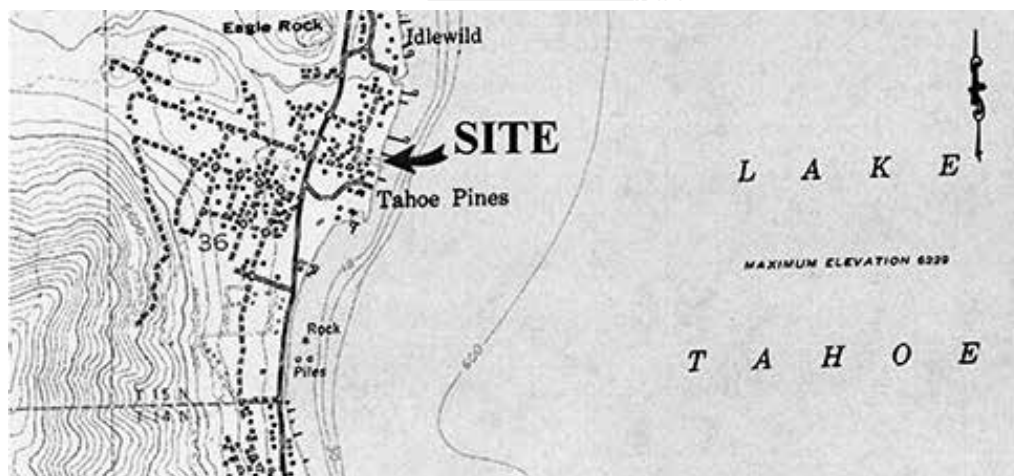
NO SCALE

SITE



NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit B

PRC 7400.1
JOHNSON TRUST
APN 085-222-013
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



RGB 02/02/15